

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- x
UNITED STATES OF AMERICA,

-against-

10-cr-0336 (LAK)

ISAI SCHEINBERG,

Defendant.

----- x

ORDER

LEWIS A. KAPLAN, *District Judge*.

Defendant is awaiting sentencing, scheduled for September 10, 2020, and now moves to advance his sentencing until some time in June.

The Court does not yet have the benefit of a Presentence Investigation Report (“PSR”) nor of any submissions on behalf of the defendant or the government although defense counsel indicates that Probation would be able to provide a PSR if the sentencing date were advanced and no doubt would do his part in providing the Court with the defendant’s submission. Nonetheless, it is not now clear whether the Court will be in a position to conduct a typical sentencing proceeding (i.e., a sentencing with the defendant and all other necessary persons present in a public court room) before the end of June. Nevertheless, assuming that everything else could be provided in a timely way and that a valid waiver of defendant’s right to be present and his consent to conducting the sentencing by video or, if video is not reasonably available, telephonic means were timely filed, the Court would be prepared to consider sentencing in June.

Accordingly, the motion [DI 425] is denied without prejudice to renewal upon receipt of a properly executed waiver and consent in the form annexed.

SO ORDERED.

Dated: April 18, 2020

/s/ Lewis A. Kaplan

Lewis A. Kaplan
United States District Judge

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

UNITED STATES OF AMERICA

-against-

,
Defendant.

-----X

**WAIVER OF RIGHT TO BE PRESENT AT SENTENCING PROCEEDING AND
CONSENT TO SENTENCING VIA VIDEO OR TELEPHONE CONFERENCE**

I understand that I have a right to appear before a judge in a courtroom in the Southern District of New York at the time of my sentence and to speak directly in that courtroom to the judge who will sentence me. I am also aware that the public health emergency created by the COVID-19 pandemic has interfered with travel and restricted access to the federal courthouse. I do not wish to wait until the end of this emergency to be sentenced. I have discussed these issues with my attorney and willingly give up my right to be present, at the time my sentence is imposed, in the courtroom with my attorney and the judge who will impose that sentence. By signing this document, I wish to advise the court that I willingly give up my right to appear in a courtroom in the Southern District of New York for my sentencing proceeding as well as my right to have my attorney next to me at the time of sentencing on the following conditions. I want my attorney to be able to participate in the proceeding and to be able to speak on my behalf at the proceeding. I consent also to this proceeding taking place by video or, if video is not reasonably available, telephone conference.

I also want the ability to speak privately with my attorney at any time during the proceeding if I wish to do so.

Date:

Print Name

Signature of Defendant

I hereby affirm that I am aware of my obligation to discuss with my client the charges against my client, my client's rights to attend and participate in the criminal proceedings encompassed by this waiver, and this waiver and consent form. I affirm that my client knowingly and voluntarily consents to the proceedings being held with my client and me both participating remotely.

Date: _____

Print Name

Signature of Defense Counsel

Accepted: _____

Signature of Judge

Date: